

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 18-944V

Filed: August 23, 2023

CAMERON HARRIS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Special Master Horner

Ronald Craig Homer, Conway, Homer, P.C., Boston, MA, for petitioner.

Christine Mary Becer, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

On June 29, 2018, Tracey Harris filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.* (the “Vaccine Act”) on behalf of her son, Cameron Harris. The petition alleged that Mr. Harris suffered Guillain Barré Syndrome (“GBS”) as a result of his July 8, 2015, tetanus-diphtheria-acellular-pertussis (“Tdap”) and meningococcal vaccinations. (ECF No. 1.) Mr. Harris was later substituted as petitioner on January 23, 2023, after he reached the age of majority. (ECF No. 79.)

On February 21, 2023, a ruling on entitlement was issued, finding petitioner entitled to compensation for GBS as a result of his July 8, 2015 Tdap vaccination. (ECF No. 80.) On August 23, 2023, respondent filed a proffer on award of compensation (“Proffer”) indicating petitioner should be awarded \$177,500.00 for pain and suffering and \$9,446.61 for past unreimbursable expenses, which will be endorsed to Tracey Harris. (ECF No. 90.) In the Proffer, respondent represented that petitioner agrees with the proffered award. *Id.* Based on the record as a whole, I find that petitioner is entitled to an award as stated in the Proffer.

¹ Because this document contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims' website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the document will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

Pursuant to the terms stated in the attached Proffer, **I award \$186,946.61 as follows:**

- **A lump sum payment of \$177,500.00, representing compensation for pain and suffering, in the form of a check payable to petitioner; and**
- **A lump sum of \$9,446.61, representing compensation for past unreimbursable expenses, in the form of a check payable to petitioner and Tracey Harris.**

This amount represents compensation for all damages that would be available under § 15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.²

IT IS SO ORDERED.

s/Daniel T. Horner
Daniel T. Horner
Special Master

² Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

**IN THE UNITED STATES COURT OF FEDERAL CLAMS
OFFICE OF SPECIAL MASTERS**

CAMERON HARRIS)	
)	
Petitioner,)	
)	
v.)	No. 18-944V
)	Special Master Horner
)	ECF
SECRETARY OF HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

I. Procedural History

On June 29, 2018, Tracey Harris filed a petition for compensation under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to 34 (“Vaccine Act” or “Act”), alleging that her son, Cameron Harris (“petitioner”) suffered from Guillain-Barré Syndrome (“GBS”) following the administration of the tetanus-diphtheria-acellular-pertussis (“Tdap”) and meningococcal vaccines on July 8, 2015.¹ Petition at 1. On February 21, 2023, Special Master Horner issued an entitlement ruling in favor of petitioner. *See* Ruling on Entitlement (ECF No. 80).

II. Items of Compensation

A. Pain and Suffering

Respondent proffers that petitioner should be awarded \$177,500.00 in pain and suffering. *See* 42 U.S.C. § 300aa-15(a)(4). Petitioner agrees.

¹ Petitioner was a minor when the petition was originally filed. The case caption was amended on January 23, 2023. ECF No. 79.

B. Past Unreimbursable Expenses

Evidence supplied by petitioner documents that his mother, Tracey Harris, incurred past unreimbursable expenses related to his vaccine-related injury. Respondent proffers that petitioner should be awarded past unreimbursable expenses in the amount of \$9,446.61 which will be endorsed to Tracey Harris. *See* 42 U.S.C. § 300aa-15(a)(1)(B). Petitioner agrees.

These amounts represent all elements of compensation to which petitioner is entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

III. Form of the Award

Petitioner is a competent adult. Evidence of guardianship is not required in this case. Respondent recommends that the compensation provided to petitioner should be made through a lump sum payment as described below and requests that the Special Master's decision and the Court's judgment award the following²: a lump sum payment of \$177,500.00, in the form of a check payable to petitioner and a lump sum payment of \$9,446.61 in the form of a check payable to petitioner and Tracey Harris.

IV. Summary of Recommended Payments Following Judgment

Lump sum payable to petitioner, Cameron Harris:	\$177,500.00
Lump sum payable to petitioner, Cameron Harris and Tracey Harris:	\$9,446.61

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

C. SALVATORE D'ALESSIO
Director
Torts Branch, Civil Division

² Should petitioner die prior to entry of judgment, the parties reserve the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future pain and suffering.

HEATHER L. PEARLMAN
Deputy Director
Torts Branch, Civil Division

ALEXIS B. BABCOCK
Assistant Director
Torts Branch, Civil Division

s/Christine Mary Becer
CHRISTINE MARY BECER
Trial Attorney
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 146
Benjamin Franklin Station
Washington, D.C. 20044-0146
Tel: (202) 616-3665

DATED: 8/23/23